

REMARKS

Claims 1-9 are pending in the application. Claims 21-29 have been canceled without prejudice.

Appreciation is expressed for the telephonic interview kindly accorded Stephen A. Terrile, Applicants' Attorney, on August 8, 2002. During the interview, the rejections on the claims were discussed and claim amendments along the lines of those set forth in this paper were discussed to address the 35 U.S.C. §§ 101 and 112 rejections.

Claims 1 – 9 stand rejected under 35 U.S.C. § 101. The preamble of claim 1 has been amended to claim a computer readable media encoded with a data structure. Thus, the claims are believed to be statutory. See, M.P.E.P. § 2106, specifically the discussion relating to data structures which sets forth “a claimed computer-readable medium encoded with a data structure defines structural and functional interrelationships between the data structure and the computer software and hardware components which permit the data structure’s functionality to be realized, and is thus statutory.”

Claims 1 – 9 stand rejected under 35 U.S.C. § 112, second paragraph. The claims have been amended to improve the clarity of the claims. Also, Applicant notes that the phrase “system type” is defined at page 11, line 4 which sets forth “[t]he System Type element tells a user whether a product is bundled, i.e., is a commodity item, or custom, i.e., is a non-commodity item.” Accordingly, it is believed that, as defined, the phrase “system type” is definite and does not fall within the scope of MPEP § 2173.05(b)E.

Also, regarding the phrase “business rules elements”, the examiner’s attention is directed to page 10, lines 18 – 20 and the paragraph starting on line 23 of the specification in which the phrase “business rules elements” is discussed. More specifically, the specification sets forth that “[t]he System ID record portion is system specific for each configuration identifier” and that “[t]he System ID record portion includes a plurality of business rule elements that apply to a particular system.” Accordingly, a business rule element is system specific for each configuration identifier and applies to a particular system. Thus, it is respectfully submitted that the phrase “business rule elements” as claimed and defined within the specification is definite.

Claims 1 – 9 stand rejected under 35 U.S.C. §§ 102 and 103 over Spallone et al., U.S. Patent No. 4,959,686 (Spallone). This rejection is respectfully traversed.

The present invention, as set forth by independent claim 1, relates to a computer readable media encoded with a data structure for providing a catalog from a manufacturer to a customer. The data structure includes a catalog header record portion, a system identification portion, and a system option record portion. The system identification portion includes a system type indicator which indicates whether a system is one of a bundled system and a custom system.

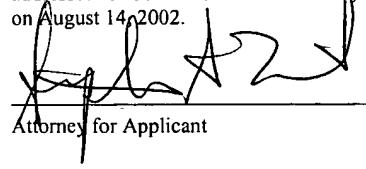
Spallone discloses an automated shopping order entry system. The order entry system includes a customer subsystem that allows a customer to select particular items and obtain an estimated waiting time based on an accumulated variable workload that depends on items ordered by the customer.

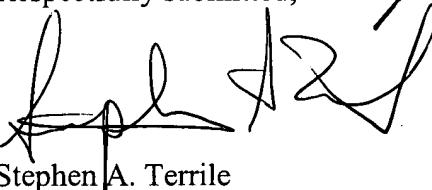
Spallone does not disclose or suggest, taken alone or in combination, a computer readable media encoded with a data structure for providing a catalog from a manufacturer to a customer. Much less a data structure which includes a catalog header record portion; a system identification portion, and a system option record portion or a system identification portion which includes a system type indicator which indicates whether a system is one of a bundled system and a custom system, all as required by independent claim 1. Accordingly, claim 1 is allowable over Spallone. Claims 2 – 9 depend from claim 1 and are allowable for at least this reason.

CONCLUSION

In view of the amendments and remarks set forth herein, the application is believed to be in condition for allowance and a notice to that effect is solicited. Nonetheless, should any issues remain that might be subject to resolution through a telephonic interview, the examiner is requested to telephone the undersigned.

I hereby certify that this correspondence is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Commissioner for Patents, Washington, D.C. 20231, on August 14, 2002.


Attorney for Applicant


8/14/02
Date of Signature

Respectfully submitted,

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APPENDIX A

The following is a "Marked Up" version of the entire set of claims showing the changes that the accompanying submission makes to the claims of Serial No. 09/592,741:

1. (Twice Amended) A computer readable media, the computer readable media encoded with a data structure for providing a catalog from a manufacturer to a customer, [the data structure being stored in a computer readable media,] the data structure comprising:
 - a catalog header record portion;
 - a system identification portion, the system identification portion including a system type indicator, the system type indicator indicating whether a system is one of a bundled system [or] and a custom system; and
 - a system option record portion.
2. (As Filed) The data structure of claim 1 wherein the catalog header portion applies to an entire catalog.
3. (As Filed) The data structure of claim 1 wherein the system identification record portion includes a plurality of business rule elements that apply to a particular system.
4. (As Filed) The data structure of claim 3 wherein the plurality of business rule elements include a system identification element, the system identification element providing a manufacture assigned unique identifier.
5. (As Filed) The data structure of claim 3 wherein the plurality of business rule elements include a system identification effective date element, the system identification effective data element providing an effective date that a particular configuration is allowed to be purchased.

6. (As Filed) The data structure of claim 3 wherein the plurality of business rule elements include a system identification action element, the system identification action element programmably informing a customer what function to perform on a system.

7. (As Filed) The data structure of claim 6 wherein the functions to be performed include an add function, a replace function and a discontinue function.

8. (As Filed) The data structure of claim 1 wherein the system option portion includes a plurality of relationship indicator elements.

9. (As Filed) The data structure of claim 8 wherein the plurality of relationship indicator elements include a relationship identification element, the relationship identification element providing an indicator that communicates for a component, a relationship of the component to other components.

Please cancel claims 21 – 29 without prejudice.